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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF RANDALL S. LUSKEY
IN SUPPORT OF STIPULATION
REGARDING EXTENDED BRIEFING
SCHEDULE AND ENLARGEMENT OF
PAGE LIMITS FOR TERMS OF USE
MOTION**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

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DECLARATION OF RANDALL S. LUSKEY

I, Randall S. Luskey, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I respectfully submit this declaration in support of Uber’s Stipulation and [Proposed] Order Regarding Extended Briefing Schedule and Enlargement of Page Limits for Terms of Use Motion. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

2. The Court ordered Uber to “file any pretrial motion raising arguments about its Terms of Use Agreement(s) and their effect on Plaintiffs’ ability to bring their claims in a coordinated or consolidated proceeding (the “Terms of Use Motion”)” by February 9, 2024. Pretrial Order No. 5, Dkt. No. 175 at 5.

3. The parties have met and conferred regarding the issues in dispute and agree that an extended briefing schedule will facilitate the efficient resolution of those disputes and thereby conserve judicial resources.

4. If the Court grants the parties’ Stipulation Regarding Extended Briefing Schedule and Enlargement of Page Limits for Terms of Use Motion, Plaintiffs’ Opposition to Defendants’ Motion will be due on March 8, 2024 and Uber’s Reply will be due on March 22, 2024. It is anticipated that this request will not otherwise impact the schedule of this action.

5. To the best of my knowledge, the previous time modifications in this case, whether by stipulation or Court order are:

- a. On December 14, 2023, the Court granted the stipulation to extend the deadline for filing the joint submission required by Pretrial Order No 4. to December 21, 2023 (ECF 158);
- b. On December 14, 2023, the Court granted the stipulation to extend the deadline for filing the joint proposed conference agenda to January 15, 2024 (ECF 158);

- 1 c. On December 18, 2023, the Court granted the stipulation to extend Defendants’
2 deadline to respond to Plaintiffs’ motion to enforce Pretrial Order No. 2 and to
3 compel Defendants to produce litigation hold and preservation information to
4 December 22, 2023 (ECF 163);
- 5 d. On January 11, 2024, the Court granted the stipulation to extend the deadline for
6 filing joint or competing fact sheets and supporting statements to January 24, 2024
7 (ECF 198);
- 8 e. On January 17, 2024, the Court granted the stipulation to extend Defendants’
9 deadline to respond to Plaintiffs’ administrative motion to consider whether another
10 party’s material should be sealed to January 23, 2024 (ECF 209);
- 11 f. On January 24, 2024, the Court granted the stipulation regarding the extension of
12 time in which to submit proposed privilege orders to January 26, 2014 (ECF 223);
- 13 g. On January 24, 2024, the Court granted the stipulation regarding the extension of
14 time for filing proposed joint or competing fact sheets and supporting statements to
15 January 31, 2024 (ECF 223); and
- 16 h. On February 5, 2024, the Court granted the stipulation extending time to submit a
17 joint or competing ESI protocol to February 12, 2024 (ECF 247).

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct.

20 Executed on February 6, 2024, in San Francisco, California.

21
22 /s/ Randall S. Luskey
Randall S. Luskey